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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, JANUARY 23, 2001

APPLICATION OF

GEMINI NETWORKS VA, INC.

CASE NO. PUC000131

For certificates of public
convenience and necessity to
provide local exchange and
interexchange telecommunications
services

FINAL ORDER

On September 18, 2000, GEMINI NETWORKS VA, INC. ("GEMINI" or the "Company"), completed an application for certificates of public convenience and necessity ("certificates") with the State Corporation Commission ("Commission") to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. The Company also requested authority to price its interexchange telecommunications services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia.

By Order dated October 11, 2000, the Commission directed the Company to provide notice to the public of its application, directed the Commission Staff to conduct an investigation and file a Staff Report, and scheduled a public hearing to receive evidence relevant to GEMINI's application.

On January 5, 2001, the Staff filed its Report finding that GEMINI's application was in compliance with the Rules Governing the Offering of Competitive Local Exchange Telephone Service ("Local Rules") and the Rules Governing the Certification of Interexchange Carriers ("IXC Rules"). Based upon its review of GEMINI's application, the Staff determined it would be appropriate to grant the Company certificates to provide local exchange and interexchange telecommunications services subject to the following conditions: (1) should the Company collect customer deposits, GEMINI shall establish and maintain an escrow account held by an unaffiliated third party for such funds, notify the Division of Economics and Finance of the escrow arrangement, and maintain the account until such time as the Staff or the Commission determines it is no longer necessary; (2) the Company shall provide audited financial statements of its parent, Gemini Networks, Inc., to the Division of Economics and Finance no later than one year from the effective date of GEMINI's initial tariff; and (3) at such time as voice services are initiated by the Company, GEMINI shall comply with all requirements of § C (Conditions for certification) of the Local Rules.

A hearing was conducted on January 17, 2001. GEMINI filed proof of publication and proof of service on December 19, 2000, as required by the October 5, 2000, Order. At the hearing, the

application, accompanying attachments, and the Staff Report were entered into the record without objection. No public witnesses appeared.

NOW THE COMMISSION, having considered the application and the Staff Report, finds that the Company should be granted certificates to provide local exchange and interexchange telecommunications services. Having considered § 56-481.1, the Commission further finds that the Company may price its interexchange telecommunications services competitively.

Accordingly, IT IS ORDERED THAT:

(1) GEMINI NETWORKS VA, INC., is hereby granted a certificate of public convenience and necessity, No. TT-127A, to provide interexchange telecommunications services subject to the restrictions set forth in the Commission's Rules Governing the Certification of Interexchange Carriers, § 56-265.4:4 of the Code of Virginia, and the provisions of this Order.

(2) GEMINI NETWORKS VA, INC., is hereby granted a certificate of public convenience and necessity, No. T-532, to provide local exchange telecommunications services subject to the restrictions set forth in the Rules Governing the Offering of Competitive Local Exchange Telephone Service, § 56-265.4:4 of the Code of Virginia, and the provisions of this Order.

(3) Should the Company collect customer deposits, it shall establish and maintain an escrow account held by an unaffiliated

third party for such funds and shall notify the Division of Economics and Finance of the escrow arrangement. Any escrow arrangement established pursuant to this Order shall be maintained for such time as the Staff or the Commission determines is necessary.

(4) The Company shall provide tariffs to the Division of Communications that conform to all applicable Commission rules and regulations.

(5) The Company shall provide audited financial statements of its parent, Gemini Networks, Inc., to the Division of Economics and Finance no later than one (1) year from the effective date of GEMINI's initial tariff.

(6) Pursuant to § 56-481.1 of the Code of Virginia, the Company may price its interexchange telecommunications services competitively.

(7) At such time as voice services are initiated by the Company, GEMINI shall comply with all requirements of § C (Conditions for certification) of the Local Rules.

(8) There being nothing further to come before the Commission, this case shall be dismissed and the papers filed herein placed in the file for ended causes.